

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 17781 of 2004

Between:

- 1 The Superintendent of Post Offices, Adilabad division,
ADILABAD - 504 001.
- 2 The Sub Divisional Inspector (Postal), Nirmal Sub Division,
NIRMAN, Adilabad District.
- 3 The Sub Divisional Inspector (Postal), Bhainsa Sub Division,
BHAINSA, Adilabad District.

..... PETITIONER(S)

AND

- 1 Sidam Bhomanna, GDS MC/MD, Golkonda BO,
A/W Boath SO, Adilabad Division, Adilabad District.
- 2 Peesari Muthyam, GDS MC/MD, Sirgapur BO,
A/W Dilwarpur SO, Adilabad District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate Writ, order or direction, preferably a Writ in the nature of Certiorari calling for the records pertaining to O.A.No. 24 of 2004, dated 02-01-2004 on the file of Hon'ble Administrative Tribunal, Hyderabad Bench, at Hyderabad and quash the same as illegal, arbitrary, contrary to law and unconstitutional and declare the same as void abintio.

Counsel for the Petitioner: MR.ARAJASHEKAR REDDY (SC FOR CG)

Counsel for the Respondents: MR. Ch. Ravindra

The Court made the following :

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ORAL ORDER (Per Hon'ble Sri Justice G.Bikshapathy)

1 . This writ petition is filed challenging the order passed by the Central Administrative Tribunal, Hyderabad in O.A.No.24 of 2004, dated 2.4.2004.

2. The first petitioner passed an order, dated 6.6.2002 in respect of three persons including the respondents herein. One person already filed O.A.No.241 of 2003 challenging the said order, which was allowed. The respondents herein filed O.A.No.24 of 2004 challenging the very same proceedings.

3. The learned counsel for the petitioners submits that the Tribunal, after taking into consideration the order passed in O.A.No.241 of 2004, which was allowed, passed an order in the present O.A.No.24 of 2004 on similar terms. Against the said order, this writ petition is filed.

4 . The learned counsel for Central Government submits that the impugned order is only illegal and contrary to law and it is liable to be set aside.

5. We are afraid, we cannot accept this contention. The Tribunal in O.A.No.241 of 2003 set aside the order, dated 6.6.2002, which is impugned in O.A.No.24 of 2004 also. While allowing the O.A.No.24 of 2004, the Tribunal observed as follows:

“We have considered all the facts of the case and arguments advanced by the learned counsel for the parties. It is seen from the records that by order dated 27.2.2004 passed by this Tribunal by way of interim stay, the respondents were directed

not to make recovery from the salary of the applicants till the counter reply is filed by the respondents. We find that it is not the case of the respondents that the applicants are in any way responsible in drawing higher amount. It is the respondents who have committed mistake by allowing them to draw allowances under foot beat workload at higher rates instead of cycle beat rate. It is clear from the orders passed by the DOPT vide memorandum dated 1.10.1987 that those EDDA/EDMCs appointed prior to 1.11.1987 were only entitled to have foot beat allowance whereas those appointed after 1.11.1987 are entitled to cycle beat allowance. Following the decision of this Tribunal in O.A.No.241 of 2003 which had similar facts, the present case is also squarely covered by that decision. Accordingly, the respondents are directed to refund the amount already recovered from the salary of the applicants within a period of two months from the date of receipt of a copy of this order. Respondents are further directed not to make any further recovery from the salary of the applicants in future also. However, it is made clear that there is no illegality in revising the pay of the applicants by the respondents by the impugned order dated 6.6.2002 in respect of Gokonda BO, Dhanora BO and Sirgapur BO.”

Inasmuch as the order passed in O.A.No.241 of 2003 has become final, we do not find that there can be a valid challenge to the order of the Tribunal passed in O.A.No.24 of 2004. Thus, we do not find any merit in this writ petition.

6. The writ petition is accordingly dismissed. No costs.

(G. BIKSHAPATHY, J.)

6th December, 2004.

(P.S. NARAYANA, J.)

bcj

To

- 1 The Superintendent of Post Offices, Adilabad Division,
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